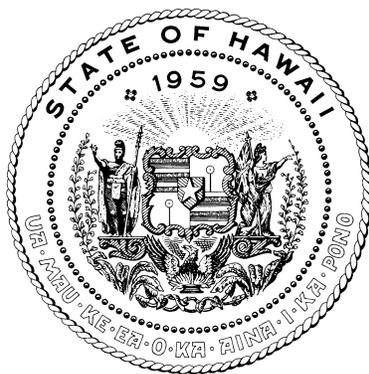


REPORT TO THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013

STATUS ON RULEMAKING TO PROMOTE SAFETY OF OCEAN AND BEACH USERS IN
THE STATE'S NEARSHORE WATERS
and
FINDINGS AND RECOMMENDATIONS OF THE WEST MAUI OCEAN RECREATION
MANAGEMENT AREA ADVISORY COMMITTEE



Prepared by

THE STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF BOATING AND OCEAN RECREATION

In response to Act 195, Session Laws of Hawaii 2012

October 2012

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PURPOSE

This report complies with Act 195, Session Laws of Hawaii 2012, requiring the Department of Land and Natural Resources (DLNR) to adopt rules that promote greater safety of ocean users in the State's nearshore waters and report on the status of rulemaking. The Act appropriates funds for swim zone buoys at Kamaole Beach on Maui. The Act also establishes the temporary West Maui Ocean Recreation Management Area Advisory Committee to advise DLNR on state waters within the area, particularly with respect to Kaanapali and requires a report to be submitted no later than twenty days prior to the convening of the Regular Session of 2013.

ACTIONS

DLNR's Division of Boating and Ocean Recreation (DOBOR) has been actively engaged in adopting, amending, repealing, and compiling the Hawaii Administrative Rules (HAR) regarding vessel operations on state waters as well as establishing regulations that apply to areas that are heavily used by numerous user groups. Hawaii now joins the majority of other states and territories that require mandatory education for anyone operating a vessel on state waters. The final HAR is being sent to the Governor for signature and has a two year phase in period. An alcohol free zone was established at Ahu O Laka, otherwise known as the Kaneohe Bay Sandbar, Oahu, on the Memorial Day, Labor Day, and Independence Day three day weekends in order to reduce the number of alcohol related incidents that were taking place offshore as well as at the Heeia Kea state small boat harbor. The HAR's were finalized that pertain to Kaneohe Bay and Hanalei Bay, Kauai. The Kaneohe Bay rules implemented the Kaneohe Bay Master Plan that was drafted according to legislative mandates. Hanalei Bay HAR's were finalized that limited the amount of commercial activities taking place on the shoreline as well as the near shore waters of the bay. The HAR's were drafted in conjunction with the County of Kauai who also is finalizing amendments to their revised ordinances in order to ensure a cohesive management effort.

The West Maui Ocean Recreation Management Area Advisory Committee (Committee) was established and the first order of business was to determine where the existing swim buoys, located at Canoe Beach, Maui, should be relocated to and whether to adjust the ingress/egress corridor currently being used by the commercial vessels utilizing the beach. The mooring blocks for the new sites have been installed and it was decided to wait to install the buoys until December 15 when commercial thrill craft operations cease for the season. This gives the Committee time to meet with the commercial thrill craft operator to discuss whether to relocate the designated operating area or whether an adjustment to the course is sufficient.

Eight swim zone buoys have since been installed off Kamaole Beach, Maui, as required in Act 195.